

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB FILE NO. R042-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/21/2023**

NAC 706.408 is hereby amended to read as follows:

1. The operator of a tow car shall include on a bill for a nonconsensual tow only those rates and charges approved by the Authority in the operator's tariff **or as specified by law**.

2. The rates and charges for Category C must be based upon a flat rate. The flat rate may vary for the time of day at which the vehicle is towed, but may not vary according to the time required to tow the vehicle, the distance or the equipment used, except that ~~an additional~~ rate for mileage ~~similar to the rate for mileage for Category A or B~~ may be charged for a tow of more than 10 miles **and an operator may impose a charge to reflect the cost of recovering the vehicle and any damage caused to the operator's property**. An operator of a tow car that is operating under tariffs that are Category A or B may file a separate schedule of rates and charges for Category C for each type of tow car operated.

3. An operator of a tow car shall include in his or her tariff a specific reduction in the flat rate charged for releases of a vehicle if the owner of the vehicle or his or her agent arrives at the scene of the tow before the vehicle is towed.

4. The distance for which a rate is charged must be determined by the shortest practical route. A fraction of a mile must be rounded to the nearest mile. The operator of a tow car may use another route only at the request of the owner of the vehicle, his or her agent or the driver of the vehicle.

5. The rates and charges in a tariff for Categories A and B may differ from the rates and charges in a tariff for Category C.

6. An operator of a tow car may discount the rates with respect to a single towed vehicle which are specified in the operator's tariff if **in the opinion of the tow operator good cause exists therefor** ÷

~~—(a) The operator submits to the Authority in the form required by the Authority all information related to the tow for which the operator is requesting such a discount;~~

~~—(b) The operator shows that such a discount is based on compelling public policy grounds and will not operate to defeat the legislative policies set forth in NRS 706.151; and~~

~~—(c) The Chair or the designee of the Chair provides written authorization for the discount.~~

7. ~~If, pursuant to subsection 6, the Chair or the designee of the Chair provides written authorization for a discount in the rates specified in the tariff of an operator of a tow car, the operator shall keep a copy of the written authorization with the operator's copy of the bill for the tow to which the discount applies.~~ **An operator may charge a fuel surcharge equal to 3% of the base tow rate when the West Region Average, as determined by the Department of Energy, for the price of fuel reaches \$3.25 per gallon. An additional 3% shall be allowed for each \$0.25 per gallon increase. As the price of fuel drops, the fuel surcharge shall decrease by the same rate. The surcharge may be charged when the vehicle is being used in the function of a tow vehicle such as travel to and from the scene and during the operation of equipment for the recovery operation. The surcharge shall be listed as a separate fee on the tow bill.**

- 8. An operator may automatically increase its tariff rate annually to reflect the increase in the cost of living as reflected in the consumer price index for All Items.**